



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE

**Certified Mail Number  
Return Receipt Requested**

**URGENT LEGAL MATTER – PROMPT REPLY NECESSARY**

Jack Mitchell  
HSSE Manger  
North Pole Refinery  
Flint Hill Resources Alaska, LLC  
1100 H & H Lane  
North Pole, AK 99705

Re: Information Request Pursuant to Section 3007 of the Resource Conservation and Recovery Act, (RCRA) and Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)  
North Pole Refinery, Flint Hills Resources, Alaska, LLC  
EPA ID Number: AKD 00085 0701

Dear Mr. Mitchell:

This letter request information and documents relating to hazardous waste and material generated, treated, stored, or disposed of at the North Pole Refinery (Facility). The U. S. Environmental Protection Agency (EPA) received a Notification of Implementation of Contingency Plan for two fires that occurred in a roll off container on June 20<sup>th</sup> and 23, 2013.

Pursuant to the authority of Section 3007 of RCRA, as amended, 42 U.S.C. § 6927, and Section 204(e) of CERCLA, 42 U.S.C § 9604(e), you are herby requested to respond to the Information Request set forth in the enclosure to this letter.

Failure to respond fully and truthfully to the Information Request within 30 days of Receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA and Section 3008 of RCRA, 42 U.S.C. § 6928. Each of these statues authorizes the EPA to seek the imposition of penalties of up to thirty-seven thousand, five hundred dollars (\$37,500) for each day of continued non-compliance per violation.

Please note that responses that are incomplete, ambiguous, or evasive may be treated as non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements of representation s may subject you to criminal penalties under 18 U.S.C § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d). The information you provide may be used by the EPA in administrative, civil, or criminal proceedings.

This information Request is not subject to the review and approval requirements of the Paperwork Reduction Act 44 U.S.C. § 3501, et.seq.

Please send the requested information to:

Cheryl Williams  
U.S. Environmental Protection Agency  
Air-RCRA Compliance Unit, OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

The enclosed Statement of Certification must be signed and returned with the response to this Information Request. Completion of the Statement of Certification certifies that the information you are providing to this Information Request is true, accurate, and complete.

Thank you for your prompt attention to this matter. If you have any question concerning this Information Request, you may consult with the EPA prior to the end of the 30 day timeframe specified above for providing the requested information. Please contact Cheryl Williams of my staff for technical questions at 206-553-2137 or at [williams.cherylb@epa.gov](mailto:williams.cherylb@epa.gov).

**NORTH POLE REFINERY  
FLINT HILLS RESOURCES ALASKA, LLC  
INFORMATION REQUEST**

**INSTRUCTIONS**

1. Answer Every Question Completely. Provide a separate, clear answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter. If you believe that documents or information responsive to one question are responsive in whole or in part, to one or more other questions, you need not provide the information or documents more than once. In such cases, you may identify the documents or information already provided by some unambiguous means, as long as the precise manner in which the documents or information are responsive to the subsequent question is clearly specified.
2. Number Each Answer. Precede each answer with the number of the question to which it corresponds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are not longer available. You will need to seek out responsive information from current employees/agents. Submission of cursory responses when other responsive information is available to Respondent will be considered non-compliance with this Information Request.
4. Identify Source of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and Section 3007 of RCRA, 42 U.S.C. § 6927, that you supplement your response to EPA. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the Department may be subject to criminal prosecution.

7. Confidential Information. The information requested herein needs to be provided even though the Respondent may contend that it includes confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA 42 U.S.C. § 6927(b) and Section 104(e) of CERCLA, by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” or “proprietary,” or “company confidential.” In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of procedures, provided in 40 C.F.R. §§2.201-2.311. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
8. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, to object without providing responsive information may subject the Respondent to the penalties set out in the cover letter.
9. Complete the Enclosed Statement of Certification. Please complete the enclosed Statement of Certification which certifies that the information you are providing in response to this Information Request is true, accurate, and complete.

**NORTH POLE REFINERY  
FLINT HILLS RESOURCES ALASKA, LLC  
INFORMATION REQUEST**

IN THE MATTER OF:

North Pole Refinery  
Flint Hills Resources Alaska, LLC  
North Pole, Alaska

Respondent

)  
)  
)  
)  
)  
)  
)  
)

Statement of Certification

I herby certify, under penalty of perjury pursuant to 28 U.S.C § 1746, that I have personally examined and am familiar with the information submitted in pages one through \_\_\_\_\_, and based on my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Official Title

**NORTH POLE REFINERY  
FLINT HILLS RESOURCES ALASKA, LLC  
INFORMATION REQUEST**

**DEFINITIONS**

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 102 of RCRA, 42 U.S.C. § 6901, et seq., or at 40 C.F.R. § 260.10, in which case such statutory or regulatory definitions shall apply. Unless otherwise specified, the following definitions shall apply to the following words as they appear in this Information Request.

1. The term “your” or “Respondent” shall mean Flint Hills Resources Alaska LLC, North Pole Refinery, its officers, managers, employees, contractors, assigns and agents.
2. The term “Facility” shall mean and include the property at or about 1100 H & H Lane, North Pole, Alaska.
3. The terms “document,” and “documents,” shall mean any object that records, stores, presents, or transmits information, and shall include, but not be limited to:
  - (a) Writing of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
    - i. Invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order;
    - ii. E-mail, letter, correspondence, fax, telegram, postcard;
    - iii. Record book, minutes, memorandum of meetings and telephone and other conversations, telephone messages, inter or intraoffice communications;
    - iv. Agreement, contract, and the like;
    - v. Log book, diary, calendar, desk pad, journal, and scrapbook;
    - vi. Bulletin, circular, form, pamphlet, statement
    - vii. Report, notice, analysis, notebook;
    - viii. Graph or chart; or,
    - ix. Copy of any document.
  - (b) Microfilm or other film record, photograph, or sound recording on any type of device;
  - (c) Any tape, disc, or other type of memory generally associated with computer and data processing, together with:
    - i. The programming instructions and other written material necessary to use such disc , or disc pack, tape or other type of memory; and
    - ii. Printout of such disc, or disc pack , tape or toher type of memory; and
  - (d) Attachments to, or enclosures with, any document as well as any document referred to in any other document.

**NORTH POLE REFINERY  
FLINT HILLS RESOURCES ALASKA, LLC  
INFORMATION REQUEST**

**DEFINITIONS (continued)**

4. The term “solid waste” shall mean a solid waste as defined in 40 C.F.R. § 261.2.
5. The term “hazardous waste” shall mean a hazardous waste as defined in 40 C.F.R § 261.3.
6. The term “material” or materials” shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
7. The term “manage” means the systematic control of the collection, storage, transportation, processing, treatment, recovery, and disposal of waste.
8. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to, containers for temporary holding of such wastes.
9. The terms “and” and “or” shall be construed either disjunctively or conjunctively , as necessary, to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.
10. Word in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

**NORTH POLE REFINERY  
FLINT HILLS RESOURCES ALASKA, LLC  
INFORMATION REQUEST**

**QUESTIONS**

Unless otherwise specified, the information requested applies to all materials, units or processes at the Facility.

1. Provide the full legal name and mailing address of the Respondent.
2. For each person answering these question on behalf of the Respondent provide:
  - a. full name,
  - b. title,
  - c. business address and email address, and
  - d. business telephone number and fax number.

On July 3, 2013, the Facility notified EPA, in writing, that an incident occurred that required the implementation of its contingency plan. The initial incident was on June 20, 2013. At that time there was a fire in a roll off container that held approximately 35 groundwater filters that contained iron sulfides; on June 22, 2013 the iron sulfide containing filters re-ignited.

3. For both the June 20, 2013, and June 23, 2013 incidents provide a narrative and/or explanatory documentation that describes in detail the events leading up to each fire. Such description should include but not be limited what and why the work was being done. Also explain how often work that generates this waste stream is conducted and if there have been previous incidences of fire at your Facility from this work.
4. Please describe how the roll off container and the wastes in the container were being managed at the time of the fires, that is:
  - a. how close to the point of generation was the roll off container located,
  - b. how much waste was in the container,
  - c. was the waste in the roll off designated as a hazardous waste. For the waste designation, please provide documentation that explains how the waste designation was made, that is, how did you determine if the contents of the waste were or were not a hazardous waste?
5. Provide a list of employees that were engaged in the work that resulted in the material being placed in the roll off container as well as a list of employees responsible for waste management activities at the facility during this time.
6. For each of the employees listed in the answer to question 5, provide all the training records required in 40 C.F.R. § 265.16(d).



7. Describe what steps were used by Facility personal to prevent the initial ignition or the re-ignition?

**From:** Downey, Scott  
**Sent time:** 07/29/2013 03:06:49 PM  
**To:** Meg Silver <Silver.Meg@epa.gov>  
**Subject:** FW: Referral to ORC - North Pole Refinery  
**Attachments:** 2013 June 29 North Pole 3007.doc

---

Meg – here's the attorney request I mentioned to review an Information Request. Cheryl thinks this is a RCRA-only issue.

~~~~~

Scott Downey, Manager  
Air and RCRA Compliance Unit  
EPA Region 10, OCE-127  
1200 6th Ave, Suite 900  
Seattle, WA 98101, (206) 553-0682  
Follow @EPAnorthwest on Twitter!  
<https://twitter.com/EPAnorthwest>

---

**From:** Williams, Cheryl B.  
**Sent:** Monday, July 29, 2013 2:55 PM  
**To:** Downey, Scott  
**Subject:** Referral to ORC - North Pole Refinery

Scott,

By this e-mail I am asking that you request ORC support for the following case.

**Background:**

Earlier in the month we received a notice from the North Pole Refinery, owned by Flint Hills (North Pole, Alaska) that they had activated their contingency plan as required for LQGs (see 40 CFR 265.56(i)). The notice states that iron sulfide that was located in a roll off container spontaneously combusted (characteristic hazardous waste D001) and then a few days later re-ignited.

Although the Facility complied with the regulations to notify us, the fact that the generation of this waste stream is common in the industry and fires from this waste stream are a known danger - I am concerned that there may have been a lack of training or inadequate waste designation at the time of the occurrences. Therefore, I have drafted an information request (3007) to probe a bit at these questions. I believe there might be a violation of training requirements and also 265.31 which requires that facilities be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of a hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

I have sent an e-mail to the local fire department requesting incident reports related to these events.

**Projected Level of Effort:**

Up to 2 hours (in the short term) to read the Information Request and incident report and to discuss case and necessary evidence/appropriate response.

Because there were two sudden, unplanned releases of hazardous waste documented by the facility I believe that getting any additional information necessary for a penalty case should be fairly easy as RCRA cases go.

Purpose of the enforcement action would be to create a deterrent so that future fires will not happen.

Attached is a draft 3007 letter.

Jo: Please use this to document a NRR (today's date) in RCRA Info.

*Cheryl*

RCRA (Hazardous Waste) Compliance and Enforcement  
Office of Compliance and Enforcement

**Mailing Address:** US EPA Region 10; 1200 6th Avenue; Suite 900; MS-OCE 127; Seattle, WA, 98101

**e-mail:** [williams.cherylb@epa.gov](mailto:williams.cherylb@epa.gov)

**desk:** 206.553.2137

**fax:** 206.553.8509